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INTRODUCTORY COMMENTS

The Applicants' attorney acknowledges with thanks the courtesy the Examiner extended to Messrs. Marin and Koveal during the October 20, 2004 interview. An agreement was not reached during the interview because the Examiner stated that the pending claims, and the applicants' proposed claim amendments, were directed to an intended use of the claimed apparatus, and did not distinguish the structural characteristics of the invention to the cited prior art.

After reviewing the prior art in view of the substance of the interview, the applicants submit new amendments and new arguments that applicants believe renders the claimed invention patentable.

REMARKS

The final office action of September 3, 2004 has been received and reviewed. This response, filed as a submission with a Request for Continued Examination (RCE) pursuant to 37 C.F.R. § 1.114, is directed to that action. A three-month extension of time to respond is respectfully requested, and the Office is hereby authorized to charge deposit account 05-1330 for any fees now due.

Applicants have amended claim 1 and added new claims 19-22. Support for the amendments and new claims can be found on pages 3, 6 and 7, and figures 1 and 2.

Claim Rejections - 35 U.S.C. § 102(b)

The Examiner rejected claims 1-4 under 35 U.S.C. § 102(b) as anticipated by Zievers et al (US 5,037,461). The Examiner stated that Zievers teaches a filter

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comprising a plurality of hollow filter elements disposed on a hollow manifold connected to hollow filtrate conduits, with manifold, conduits and elements in fluid communication with each other.

The applicants respectfully disagree with the Examiner's description of the teachings of Zievers. Specifically, applicants argue that Zievers does not teach that the filter elements are disposed on a "hollow manifold". The American Heritage Dictionary defines a manifold as "a pipe or chamber having multiple apertures for making connections". The Examiner stated that the rigid, metal plates separating the filter chambers form the hollow manifold. A closer reading of Zievers shows that Zievers does not teach that the plates form a hollow manifold.

The plates are sealably mounted in the tank (see column 2, lines 8-9), and merely provide an opening to connect the filter elements between the separate chambers of the filter tank. The plates do not form a pipe or chamber with multiple apertures. This is further illustrated in Figures 3, 4 and 5 of Zievers which clearly show that the plates (30) are solid, except for the single opening connecting separate filter elements. Therefore, because Zievers does not teach a hollow manifold to which the filter elements are disposed on, the present claims are not anticipated by Zievers, and applicants respectfully request that this rejection be withdrawn.

In addition, the applicants have amended claim 1 to include the limitation that the device is capable of being vertically removed from the reactor. Zievers, on the other hand, teaches that the filter tubes are mounted on the metal plates by sealed gaskets and rigid metal rods (column 2, lines 52-54) thus making vertical removal impossible. Therefore, because the vertical removal of the filter device is not taught by Zievers, the rejection should be withdrawn.

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The Examiner also rejected claims 1-3 under 35 U.S.C. § 102(a) as anticipated by Sekellick (US 4,552,669). The Examiner stated that Sekellick teaches a filter comprising a plurality of hollow filter elements disposed on a hollow manifold connected to hollow filtrate conduits, with manifold, conduits, elements in fluid communication with each other.

Again, the applicants disagree as to the Examiner's description of the teaching of Sekellick. The Examiner stated that the interior of the manifold, conduits and filter elements of Sekellick are in fluid communication. However, a detailed reading of Sekellick shows that this is not the case.

The filtrate conduit of Sekillick, denoted as 48 in Figure 1, is fluidly connected to the fluid chamber, 28 (column 9, lines 12-13; Figure 2). The filter elements are contained in the fluid chamber, and the interior of said elements is not in fluid communication with either the fluid chamber or the filtrate conduit. This is consistent with the "inside-out filtration" objective of Sekellick. Sekellick further states that "the cleansed liquid or filtrate passes outwardly through the porous cylindrical wall of filter tube 14 into the fluid chamber 28. The filtrate flows outwardly from the upper and lower ends of the fluid chamber 28 through the outlet filtrate line 48" (column 9, lines 33-37). This clearly shows that the interior of the filer elements are not in fluid communication with the filtrate conduit.

Consequently, Sekellick does not teach all of the limitations of the present claims and the rejection based on 35 U.S.C. § 102(b) must be withdrawn.

Based on the foregoing comments, and the amendments presented here, the applicants believe the claims are patentable and respectfully request the Examiner issue an allowance.

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If any issues remain, the resolution of which can be resolved via teleconference, the Examiner is invited to contact the applicants' attorney at the number listed below.

Respectfully submitted,



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☒ Pursuant to 37 CFR 1.34(a)

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